



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vale District Office
100 Oregon Street
Vale, Oregon 97918
<http://www.or.blm.gov/Vale/>

IN REPLY REFER TO:
EA OR-030-01-001
1741

March 23, 2001

Dear Reader:

The Malheur Field Office, Vale District, Bureau of Land Management, has prepared a Environmental Assessment and Finding of No Significant Impacts (EA OR-030-01-001) to authorize construction of a fence on the east rim of North Fork Malheur River in Whitley Canyon Allotment.

The end of the 15-day public comment period on the EA in which you will have an opportunity to comment on this proposal and the adequacy of the Environmental Assessment is April 13, 2001.

Comments, including names and addresses of respondents, will be available for public review at the identified administrative office during regular business hours (8:00 a.m. to 4:30 p.m), Monday through Friday, except holidays, and may be published as a part of the EA document or other related documents. Individual respondents may request confidentiality.

If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law.

All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be make available for public inspection in their entirety.

If have any questions concerning this project, please contact Cynthia Tait at (541) 473-3144.

Sincerely,

S/Tom Dabs, acting
Roy L. Masinton
Field Manager
Malheur Resource Area

ENVIRONMENTAL ASSESSMENT (OR-030-01-001)

BLM OFFICE: Vale

PROPOSED ACTION: East Rim North Fork Malheur River Fence

LOCATION: From T.17S., R.36E., SESE Sec. 21 to T.17S., R.36E., NWSW Sec. 27

NEED FOR THE PROPOSED ACTION

The east rim of the North Fork Malheur River in Whitley Canyon Allotment is not fenced. When cattle are in Little Malheur Pasture, unauthorized use frequently occurs in the river corridor, where grazing has been precluded by the Biological Opinion for Grazing Activities on North Fork Malheur River Allotments (U. S. Fish and Wildlife Service, 2000). Construction of this proposed rim fence would block a large ravine and adjacent gentle slopes that allow livestock access to the river corridor. Fence construction would benefit bull trout (*Salvelinus confluentus*), a federally threatened species, by enabling riparian vegetation and streambanks to recover from unauthorized livestock use.

CONFORMANCE WITH APPLICABLE LAND USE PLANS

This proposed action is subject to the Northern Resource Area Management Framework Plan and Ironside Grazing Environmental Impact Statement. Both documents constitute the current land use plan for Malheur Resource Area. These documents have been reviewed to determine if the proposed action conforms with the land use plan terms and conditions as required by 43 CFR 1610.5. Implementation of special grazing treatments to control livestock impacts to stream-side riparian communities with medium to high potential for improvement conforms with these plans. More specifically, fence construction that improves livestock distribution, controls season of use, and reduces localized physical and physiological impacts to vegetation resources is also consistent with planning objectives.

In addition, the proposed action is in conformance with Riparian Management Objectives outlined in the Inland Native Fisheries Strategy as adopted by the Bureau in 1998 for implementation on all bull trout streams.

Malheur Pasture. This action would result in maintenance or improvement of riparian vegetation and stream channel morphology in the river corridor.

The majority of the proposed fence would be constructed on private land, with two short segments (about 0.2 mile) crossing and ending on public land. The fence would block a large ravine and adjacent gentle slopes that allow cattle access to the river corridor. The north/south oriented fence would be four-strand barbed wire with green five foot fence posts. BLM fencing standards for deer and elk habitat would be followed. Maintenance of the proposed fence would become the responsibility of the Whitley Canyon Allotment permittee, as are all fences identified in the Cooperative Agreement for Rangeland Improvements signed in January of 1976.

Existing roads or ways would be used for access during fence construction and a minimal amount of off-road use would occur along the fence line. No blading along the fence line would be permitted either during construction or for fence maintenance. All construction debris (wire, posts, etc.) would be removed from the area upon completion of construction.

Alternative B.---*No Action*

Unauthorized livestock access to approximately 2 miles of the North Fork Malheur River corridor would continue with the "no action" alternative.

AFFECTED ENVIRONMENT

Plant Communities— Project area vegetation is predominantly associations of big sagebrush (*Artemisia tridentata* ssp. *tridentata* and *A. tridentata* ssp. *wyomingensis*), bluebunch wheatgrass (*Agropyron spicatum*) and small amounts of western juniper (*Juniperus occidentalis*). Ecological condition is late seral stage.

Livestock Grazing—The project area is within Little Malheur Pasture of Whitley Canyon Allotment, an allotment which incorporates 5 pastures with a single grazing permittee and which is managed under a combined system of deferred and rest-rotational grazing. Grazing is not authorized in the portion of Little Malheur Pasture which lies within the river corridor.

Wildlife—The project area includes habitat for pronghorn, elk, mule deer, neotropical migratory song birds, and small mammals.

generally of a dispersed nature, mainly associated with big game hunting and fishing. The fence would intersect two Visual Resource Management (VRM) areas, VRM Class II to the north and VRM Class I to the south.

Cultural Resources— The area surrounding Castle Rock and North Fork Malheur River was traditional land for the Northern Paiute people and provided an interface for trading and hunting with Columbia Basin peoples as well as the Umatilla. The basic unit of Northern Paiute social structure was the family, a group small enough for mobility and flexible enough to adapt to many kinds of seasonal resources. Winter villages of up to fifty huts have been reported, but generally the winter villages consisted of small, unstable groups of about three families located near a major lake or river. Seasonal camps were located wherever there was water and food. Living structures were typically a fence-like windbreak of sagebrush for a temporary or summer camp with a tree or brush sunshade or domed wickiup for both winter and summer use. The subsistence economy of the Northern Paiute was strongly oriented toward gathering and collecting because plant foods were more abundant and dependable than fowl, fish or mammals. Historic documents indicated several hundred plants were used by the Indians of the Great Basin for medicinal purposes, fiber sources, and food. The area adjacent to and surrounding Castle Rock is considered a sacred area to the Northern Paiutes.

A Northern Paiute reservation headquarters was located on the North Fork Malheur River in Agency Valley but was eventually offered for public sale. Agency Ranch is now under Beulah Reservoir which is impounded behind Agency Dam.

Paleontological Resources- The nearest fossil localities are in Miocene lacustrine sediments near Juntura and Kingsbury Gulch. Fossils of plants and animals range from small diatoms to mammals such as camel, horse, beaver, smaller rodents, and insectivores.

ENVIRONMENTAL IMPACTS

A. Impacts of Proposed Action

Construction of the east rim fence would benefit bull trout habitat along the North Fork Malheur River by enabling the river corridor to recover from incidental, unscheduled livestock use. If unauthorized livestock use in the river corridor continues, damage to streambanks and riparian vegetation will negatively impact bull trout by increasing sedimentation, widening the channel profile, and reducing overhead cover and shade.

The Bureau considers that the proposed fence construction *may affect, but is not likely to*

Little or no impact to wildlife or recreational use would be expected. Because the fence would not be built on the skyline and would not be close to any well-traveled roads, it would be unnoticeable, impacts to visual resources would be minimal, and VRM objectives would be met.

Class III cultural resource and paleontological surveys were conducted along the alignment of the proposed fence. No prehistoric, historic, or fossil resources were observed during the surveys.

B. Impacts of No Action

Although BLM has precluded grazing from the North Fork Malheur River corridor portion of the Little Malheur Pasture, unauthorized livestock access to approximately 2 miles of the river corridor would continue. Excessive livestock utilization in riparian areas is not compatible with maintenance of intact stream channels and healthy plant communities. The Bureau considers the No Action alternative *likely to adversely affect* bull trout.

Description of Mitigation Measures: To prevent compaction and rutting, off-road travel during fence construction would be prohibited when there is high moisture content in the soil. Therefore, off-road travel would only be during times when soil is dry or firm which should minimize adverse impacts to soil and vegetation. The proposed location of the fence would be modified to minimize impacts if archeological resources or threatened/endangered plant and wildlife species were identified during construction.

Other mandatory elements—The following mandatory elements are either not present or would not be effected by the proposed action or alternatives:

- Air Quality
- Native American Religious Concerns
- Hazardous Wastes
- Prime or Unique Farmlands
- Area of Critical Environmental Concern
- Floodplains
- Water Quality
- Wilderness
- Wild Horse and Burros

- Cynthia Tait, *BLM Fisheries Biologist*
- Diane Pritchard, *BLM Cultural Resources Specialist*
- Jean Findley, *BLM Botanist*
- Lynne Silva, *BLM Weed Management Specialist*
- Shaney Rockefeller, *BLM Soils Specialist*
- Bob Alward, *BLM Recreation Specialist*
- Roy L. Masinton, *BLM Area Manager*

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in this EA and all the other information available, it is my determination that the proposed action is in conformance with the land use plan for the area and does not constitute a major federal action significantly affecting the quality of the human environment and that an EIS is not required.

S/Tom Dabbs, Acting
Malheur Resource Area Manager

3/19/2001
Date

DECISION RECORD

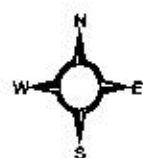
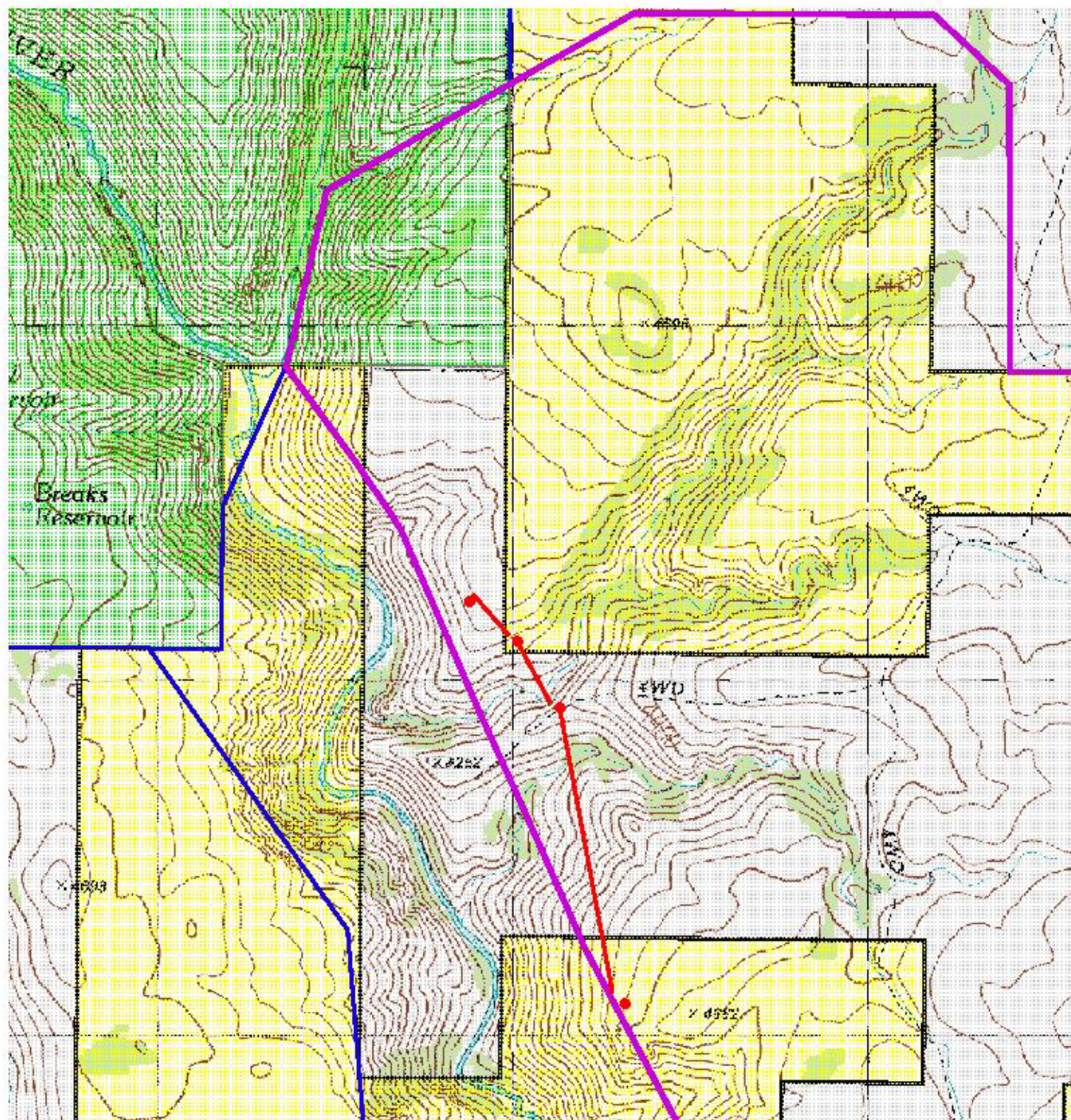
I have determined that implementation of the proposed action (EA OR-030-01-001) in Whitley Canyon Allotment to authorize construction of a fence on the east rim of North Fork Malheur River is in conformance with the land use plan for Malheur Resource Area and is necessary to protect resource values as described in this EA.

In accordance with the Endangered Species Act (Section 7), consultation with the U.S. Fish and Wildlife Service on the proposed action has been completed with the Service's concurrence that these actions will not adversely affect bull trout.

Authorized Official

Date

EAST RIM NORTH FORK MALHEUR PROPOSED FENCE



0 0.1 0.2 0.3 0.4 Miles



- Proposed fence
- Whitley Canyon Allotment
- Pastures

LAND OWNERSHIP

- Bureau of Land Management
- Private
- U.S. Forest Service



ATLAS BRIDGE
1980
OCT

This map was prepared by the Bureau of Land Management, U.S. Department of the Interior, for the purpose of showing the location of the proposed fence line. It is not intended to be used as a legal document. The Bureau of Land Management is not responsible for any errors or omissions in this map. The map is provided for informational purposes only.